



BOARD OF ZONING APPEALS INFORMATION COVER SHEET

Type of Application: Minor Variance **File #**11-007586

Hearing Date: February 7, 2011

Location: 231 ISABEL STREET WEST

Purpose: A variance of the River Corridor setback standards in order to allow an existing structure on the bluff side of the property to remain. A setback of 40 feet from the bluffline is required and 10 feet is proposed for a variance of 30 feet.

Applicant/Representative: TUAN J. PHAM
231 ISABEL STREET WEST
ST PAUL MN 55107-2112

Telephone: (651) 303-5746

Property Owner: TUAN J. PHAM
231 ISABEL STREET WEST
ST PAUL MN 55107-2112

Telephone: (651) 303-5746

Legal Description: Irvines Addition To W St Paul Subj To St Lots 7 Thru Lot 10 Blk 198

Date Received: January 20, 2011

Notification Sent: January 20, 2011

Land Use Map: 29

Present Zoning: RT1; RC-4

Planning District: 3

Staff Person Assigned: Yaya Diatta

**APPLICATION FOR ZONING VARIANCE**

Department of Safety and Inspections
375 Jackson Street
Suite 220
Saint Paul, MN 55101-1806
General: 651-266-9008
Fax: (651) 266-9099

Zoning office use only

File Number: 11-007586
Fee: \$ 350
Tentative Hearing Date: 2.7.11
Section(s) 61.601
City agent YAYA DIATTA

APPLICANT

Name TUAN JOSEPH PHAM Company N/A
Address 231 Isabel St. W
City Saint Paul St. MN Zip 55103 Daytime Phone 651-303-5746
Property Interest of Applicant (owner, contract purchaser, etc) _____
Name of Owner (if different) The same as the above Phone _____

**PROPERTY
INFORMATION**

Address / Location 231 Isabel St. W. SP/MN 55107
Legal Description _____
(attach additional sheet if necessary)
Lot Size 200 x 26.5' Present Zoning _____ Present Use Resident
Proposed Use Remain the statute of Jesus Christ on lots

Variance[s] requested:

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

- petition to keep statute of Jesus in its current location
on the property of Tuan Joseph Pham, 231 Isabel St. W
Saint Paul, MN 55107 of neighbor.

Attachments as required:



Site Plan



Attachments



Pro Forma

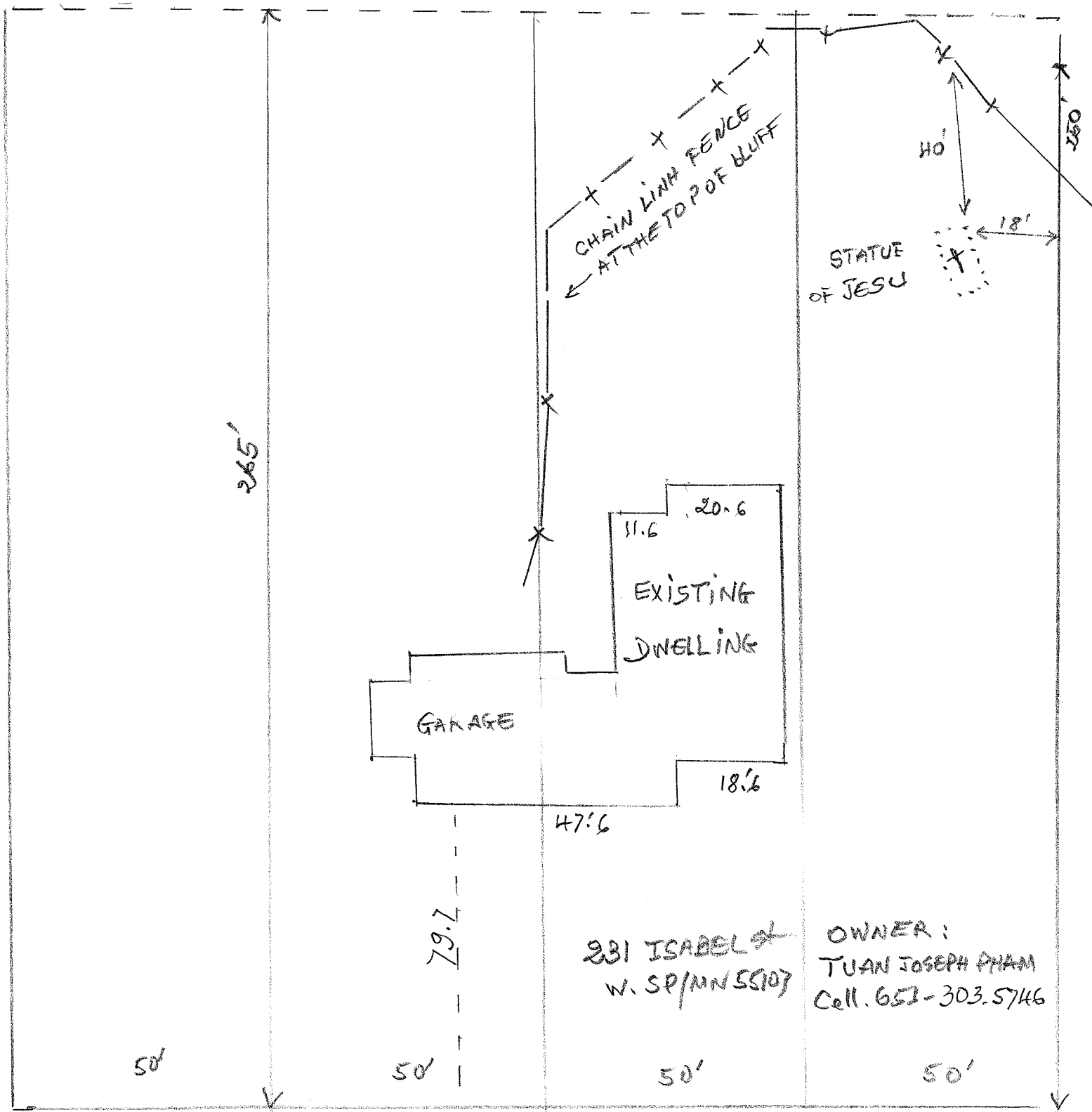
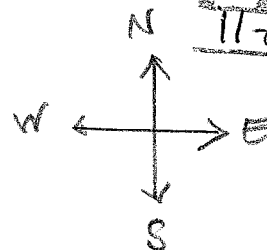
Applicant's Signature

Tuan Pham

Date

January 12, 2011

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11-007586



231 ISABEL ST
W. SP/MN 55107

OWNER:
TUAN JOSEPH PHAM
Cell. 651-303.5746

Petition to keep the Statue of Jesus

In its current location on the property of

**Tuan Joseph Pham, 231 Isabel Street, West St. Paul, MN
55107**

We, the undersigned, neighbors of Tuan Pham, petition the St. Paul Department of Safety and Inspections, to grant a variance of the forty (40) foot setback requirement at 231 Isabel Street. We make this petition for the following reasons:

Tuan Pham moved to our neighborhood two and one half years ago and has contributed many improvements to the area. He built a Freedom Garden (which features the Statue of Liberty) in his front yard. All of us have congratulated Mr. Pham for this beautiful addition to our neighborhood.

Three months ago, Mr. Pham added a Prayer Garden, complete with many Christian marble sculptures. These sculptures provide a beautiful addition to our neighborhood. The lighting of the Freedom Garden and the Prayer Garden is not only beautiful but also enhances the safety and security of our neighborhood.

The statue of Jesus is the only sculpture that requires a variance from city code. The sculpture does not impair an adequate supply of light and air to the adjacent property nor does it alter the essential character of the surrounding area nor does it diminish established property values within the surrounding areas. On the contrary, it enhances and adds to the values within the surrounding areas.

We recognize and appreciate that Mr. Pham has contributed to our neighborhood, our community and our city for many years. He will continue to keep our neighborhood clean, beautiful and safe. We stand together with Mr. Pham in requesting a variance for this sculpture. We, Mr. Pham's neighbors, hereby make this petition:

<u>Roy Dick</u>	<u>1/8/11</u>	
<u>Sally Dick</u>		
<u>Robert C. DeSper</u>		<u>236 W. ISABEL</u>
<u>Just to M. Helgeson</u>		
<u>Joseph M. Tokach</u>		<u>228 Isabel St W. 651-291-1662</u>
<u>Michael S. Neal</u>		<u>225 Isabel St. W</u>
<u>Maureen Neal</u>		<u>225 Isabel St. W.</u>
<u>Ann J. Sklar</u>		<u>224 Isabel St. W 651-776-6081</u>
<u>Jay Kell</u>		<u>224 Isabel St. W 651-776-6081</u>
<u>Arnold Weisfermann</u>		<u>215 W. Isabel St W 651-225-1984</u>
<u>Bruce Earley</u>		<u>210 W. ISABEL 651 224 8037</u>

Page two: Petition for Variance:

Cathy Earley	210 W. Isabel St.	651-224-8037
Jessica Kohanek	204 W Isabel St.	651-235-2635
Anna Marie Eller	207 W. Isabel	651-221-0307
Mary Altman	428 Ohio, St Paul, MN	651-224-7312
Robert Harriman	457 Ohio St. St. Paul	551-271-651-292-8436
Paul Smelling	456 Ohio St St Paul MN	55107 651-229-0203
Leslie Stoy	216 Isabel St. W. St Paul, MN	55107 651-747-7025
Tony Stoy	216 Isabel St. W St Paul MN	55107 612-919-1184
Holly Solch	200 Isabel St. W. St. Paul MN	55107 651-247-9363
Shree Gogahar	190 Isabel St. W St Paul MN	651-202-1435
Drew Wren	167 2nd St S	651-200-0135
Tom Coffee	184 Isabel St W #2	651-387-5164
SPAIN FORGE	182 PROSPECT BLVD	651-603-0767
FOR FOR	"	"
FOR	731 LINCOLN AVE	651-246-5246
Fusan Joseph Pham	231 Isabel St. W. St Paul MN	651-303-5746
Mai Thai Vu	"	"
Marcel Chevrolet	215 Ohio St SAINT PAUL MN	651-226-1471
Michael Chevrolet	215 Ohio St ST Paul MN	651-592-6449
Ken A Chevrolet	215 Ohio St ST Paul MN	651-291-8791
Cindy Vang	215 Ohio St St Paul MN	651-291-8262
Brian Kegan	218 Ohio St ST Paul MN	651-291-8662
Kick Subsburg	" " " " " "	" " " "
Juny Bang	" " " " " "	" " " "
KEN BERRES	" " " " " "	" " " "
Joe Mito	201 OHIO ST	651-224-5733
Abigail	201 Ohio St St. Paul MN	651-224-5733
Chad	201 Ohio St. St Paul MN	651-224-5733
William	201 Ohio St. St Paul MN	651-224-5733
Regan Mann	201 Ohio St, St Paul MN	651-224-5733
GEORGE HUNKINS	220 ISABEL ST ST PAUL MN	651-224-8933
Nella Hunkins	" " " "	" " " "
Huy Pham	58 Prospect Blvd St Paul 55103	651-467-7161
Anne Terres	201 OHIO Street St Paul 55107	651-224-5733

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DEPARTMENT OF SAFETY AND INSPECTIONS
Bob Kessler, Director



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

January 4, 2011

Tuan Pham
231 Isabel Street W
St Paul, MN 55107

RE: 231 Isabel Street W

Dear Mr Pham:

A complaint was received regarding a structure placed at the back of the property. This site is located in an RT1, Two Family Residential zoning district and in the RC4, River Corridor Overlay District.

The structure on the bluff side of your property in the north east corner is approximately 16 feet tall, 20 feet long, and 5 feet wide.

The bluff line curves along the edge of your back yard, therefore, the structure must meet the 40 foot setback on all sides of the radius. As this structure is located ten (10) feet from the eastern edge of the bluff line it does not meet the River Corridor Standards which requires forty (40) feet.

Under the definition of the River Corridor Standards and Criteria:

Section 68.402. Protection of shore lands, floodplains, wetlands and bluffs. (b) Placement of structures. (4) Bluff development shall take place at least forty (40) feet landward of all bluff lines. A structure is defined as: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

The zoning administrator has determined that the structure does not meet the setback requirements of the St Paul Legislative Code for development within the bluff line.

In order to bring your property into zoning compliance, you must either:

- + Move the structure along the northeast corner in order to meet the forty (40) foot setback requirement from the bluff line. An approved site plan will be required.**
 - + Apply for a variance of the forty (40) foot setback requirement for the structure located within the River Corridor from the Board of Zoning Appeals. Enclosed is an application for the variance.**
- Please submit either a site plan for the move or the variance by January 17, 2011.**

11-007586

A Good Neighbor



For: Tuan Pham



It is said; "The reason for America's social decline is due to a lack of neighbors."

The person next door seems to relate only to those who look like him or share the same economic status.

Sad but true diversity is a word used to describe those who are less fortunate.

If America didn't have men like Mr. Tuan Pham to keep the American spirit alive, hope and opportunity would be the wrong words to associate with this country.

Mr. Tuan Pham,

thanks for caring about your community.

Who is a good neighbor? Anyone whose heart beats for the good of their neighborhood.

A Tribute

From The Land Family

2003



Saint Paul Neighborhood Honor Roll

		John Galatowitsch	Pat Hart	Sherri Knuth	Laura Melnick
	Sue Connor	Marla Gamble	Sue Hauwiler	Pat Koshenina	Jim Mesick
	Greg Copeland	Jerry Gammell	David Heide	Bonnie Lawrence	Tom Meyer
	Donovan Cummings	Olga Garza	Jeanna Hines	Xiong Pao Lee	Roger Meyer
	Rick Dagenais	Judith Gavin	Myisha Holley	Adelaide Lewis	Peter Montgomery
	Ariana del Carmen Ortega	Donna Genck	Eileen Hott	Mem Lloyd	Samuel Morgan
	Jean Doyle	Paul Gubland	Lacy Happert	Pam Madland	
	Bill Driver	Dawn Goldschmidt	Jane Jenkins	Mary Maguire	
	Ron DuFault	Bill Godwin	Hope Jensen	John M. Jones	
	Karlyn Eckman	Kiki Grove	George Johnson	Kate McGowan	
	Denise Eler	Warren Grove	Lauren Jonker	Steve McKenna	Frank M. M. M.
	Mary Ellen Radmann	Clara Hackett	Sheryl Kabat	Mike McLaughlin	Maria Vega Perez
	Bill Englund	Don Hafner	Teri Keller	Maria McNamara	Ferdinand Peters
	Otto Folger	Florence Hagen	Jon Kerr	Gordon Meeker	Tuan Pham

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Certificate of Recognition

This is to certify that

Tuan J. Pham

was added to the Saint Paul
Neighborhood Honor Roll in recognition of contribution
to the quality of life of the neighborhood, by the

**Thomas Dale Planning Council
(District 7)**

at the February 20, 1999 Neighborhoods' Assembly,

Neighborhoods:

Some Assembly Required IV

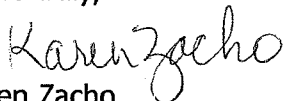

Norm Coleman, Mayor

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January 4, 2011
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231 W Isabel

If you have any questions regarding this decision, please contact me at 651.266.9084.

Yours truly,



Karen Zacho
Zoning Inspector – City of St Paul/DSI

c. Wendy Lane, Zoning Manager
Peter Warner, City Attorney
Larry Zangs, Project Facilitator

You may appeal this order and obtain a hearing before the Board of Zoning Appeals. The application for appeals must be filed and fee submitted to the Zoning Administrator within ten (10) days of the date this order was mailed. No appeal may be filed after this date. Applications for the appeal or variance process are available at the Department of Safety & Inspections main office or the City website (www.stpaul.gov/dsi). You must submit a copy of this order with your application.

CONTINUED FROM 1B

> River corridor

the rivers that go through (Anoka). We don't want them to turn it into a green tunnel used only by those that paddle down it."

Rebecca Wooden, who until last week headed the DNR's rulemaking effort, bluntness says: "Some folks don't want any damn rule at all. They think the whole thing is a burden and unneeded."

Whitney Clark, executive director of the St. Paul-based Friends of the Mississippi River, an advocacy group that has been heavily involved in the process, argues for "reasonable common-sense rules to protect the health of the river and the scenic value of the river, and I don't think that's in any way incompatible to thriving, robust economic development. We can have both."

"We ought to have both," That much, at least, everyone claims to agree upon — but you know where the devil is. What is known as the Mississippi River Corridor Critical Area is a large tract bordering the river's path through the Twin Cities — including an entire quarter of St. Paul and portions of 28 other cities, counties and townships. And for months, the DNR has attempted to find common ground with them all.

Yet the time for debate has, for now, run out. The DNR has not completed the process, and as of Monday, it no longer has the authority to do anything. The agency will be required to return to the Legislature and ask for more time.

REVISING THE RULES

Over a year ago, a legislative task force was formed by state Rep. Rick Hansen, DFL-South St. Paul, and Sen. Katie Stepien, DFL-Newport, to decide whether to update the rules governing the metro-area river.

Conservation groups, the League of Minnesota Cities, business leaders and the DNR all sat down to talk about whether and how to do so.

The Mississippi River Critical Area Program is the result of a pair of executive orders written by governors in the 1970s stating that "imperial-

for cash and resist additional responsibilities — such as passing and enforcing new regulations.

Wooden, who took part in early meetings to discuss revising the rules, said some were concerned that each community had a different set of standards.

The original rules were light on specifics.

No specific height requirements for buildings, for example. Or language defining what a bluff is. Later, Mendota Heights and other jurisdictions implied that a bluff is, where the river's slope becomes more than a 40 percent grade, for others, the grade can be as little as 12 or 18 percent.

"I think that was kind of alarming to some," Wooden said of the regulatory ambiguity.

"What one community does affects everybody in the corridor. If you build in a place where there's a magnificent view and you block the view, then everybody that enjoyed that loses the view," said Lilydale City Council member Marilyn Lundberg, who sits on one of the DNR's four task forces devoted to revising the old rules.

Some conservation groups criticized the DNR, saying it didn't enforce the program strongly enough. From the other side, the DNR was assailed by those claiming it had an "anti-urban bias."

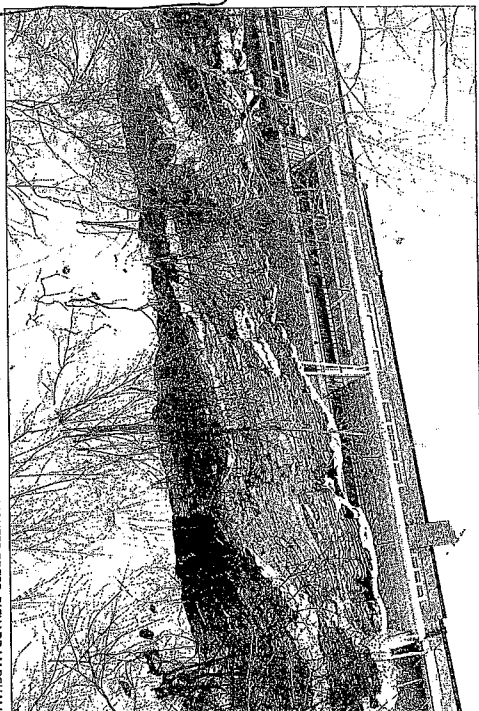
"The main rationale I heard from proponents (of updating the rules) was they wanted uniformity and they wanted teeth," said Craig Johnson, a lobbyist with the League of Minnesota Cities. "They wanted the ability to say somebody was doing what they shouldn't be doing. They wanted the force of law."

After weeks of discussion, Hansen and Stepien last year returned the DNR to overhaul the old program.

Hansen used to do pesticide regulation for the state Department of Agriculture.

"What I learned there was prevention is cheaper than cleanup," he said. "We can prevent these problems by trying to have good standards and clear science."

He points to a new line of recently built town homes overlooking a steep bluff in Mendota along Minnesota 13, where he notes the road had to be shored up. At another town-



The River Pointe condominiums hug the edge of the Mississippi River bluffs in Lilydale.
Proposed new rules on riverfront land use would largely prohibit new residential development within 40 feet of the bluff line.

THE OPPOSITION

But others argue economics.

Cities have lined up — some, like Anoka and Newport, actively passed resolutions — complaining that new rules would be a burden.

"We're in a very significant economic downturn. ... Then you throw in this needless legislation that's going to have a cost for governments — their own planning, enforcement, compliance, all that," said Michael Beleen, director of public affairs for the St. Paul Area Chamber of Commerce, which fought the regulations from the beginning.

The Chamber of Commerce doesn't want any building height limitations, while conservation groups note the Mississippi River Critical Area is a part of the National Park Service — a poor place for skyscrapers.

Residents worry about their ability to add on to their riverside homes. Conservation groups — and the DNR's Wooden — note that, in some of the jurisdictions, there are already rules against doing exactly that and have been in place for 30 years.

In Anoka, for example, city council member Jeff Weaver lamented that the proposed rules "would prevent any expansion of residential riverside structures within 100 feet of the shoreline. However, city regulations already prevent that."

be grandfathered in, though expansions would still be regulated.

Many city officials note that a recent Minnesota Supreme Court case has made it extremely difficult for cities to grant exceptions to the rules — known as variances — or their own, but many also note there is a concerted effort to get the Legislature to "fix" the Supreme Court's ruling with new legislation.

Allen Fortenson, a principal planner for the city of St. Paul, said the biggest change for St. Paul was the tightened height limits. He also noted that a regulation prohibiting structures within 20 feet of steep slopes would affect many riverside residents, though existing structures would be grandfathered in.

"Not a single unit of local government has asked us to put in more restrictive regulations," Wooden said, dryly.

DISPLEASURE ALL AROUND

Everyone claims they're losing the battle. Clark, of the Friends of the Mississippi River, says: "Are we comfortable that in every single case where the city is making an argument, they're weakening the standards? I think most people would say, 'Hell no.' We need to be good stewards of the river. ... We're very disappointed in the standards on balance at this point."

on the corridor." She acknowledged the DNR has paid large sums to the Friends — but notes that all but the \$5,000 contract for the 2008 study came from other departments for other tasks, such as river cleanup efforts and habitat restoration.

Clark scoffs at the idea of undue influence — and accuses the Mississippi River Stewards of "palling has."

"I wish it were true," Clark said. "I wish I had that much control over what the rules will look like. I think it's more likely that we're going to be disappointed. If it keeps going the way it is, they'll (the Stewards) be more than happy with it."

MISTRUST BOILS OVER

A particular point of contention comes from a work group formed to determine the "scenic" resources along the river — something required by the rulemaking mandate.

The group's meeting — held in May with representatives from the DNR, the National Park Service and the Metropolitan Council and several staff and board members of the Friends of the Mississippi River — was meant to be a "one-day quickie workshop" to meet the legislative requirement, Wooden said. The DNR official said she allowed the park service to run it.

Fortenson, the primary St. Paul representative, said, "I didn't know there was such a meeting."

Notes of the meeting, which the Mississippi River Stewards acquired by filing a public records request, show abridged comments regarding the Anoka/Champlin/Coon Rapids portion of the river. They didn't go over well.

"Overdeveloped in poor ways ... ugly ... looks impounded from bridge down ... 'Take-home' feel, ratty garish, residential development and yards — inappropriate materials," the notes read.

"You don't know the context in which something was green," said Clarke, an Anoka County transportation planner. "But there are people that when they're on the river, all they want to see is trees. If they see anything but trees, they think it's ugly."

"Who was on this? Why weren't we notified?" said Schmidt, the Anoka council member. "We should have been able to observe that, at least — at the very least. We

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Just over a decade later, voters pay to stabilize the bluff that is truly all the 29 cities, counties and townships bordering the river had enacted measures to accommodate the program. So why change it now, critics ask?

It's a tough sell in an era where "regulation" has become a politically charged word and cities are strapped

more strict — depending on the city and the existing guidelines. A few details under the current draft:

- How high a building — or an expansion — could be has been reduced in many cities.
- Private residential heights would be capped at 35 feet.
- In a residential area, structures could not be built — or expanded — within 100 feet of the river or 40 feet of a bluff line.
- Most projects that disturb more than 250 square feet of land within 100 feet of the river in a residential area would require a city or county permit.
- Blinding or clearing vegetation within 20 feet of a "very steep slope," defined as an 18-degree slope, would largely be prohibited.
- Existing properties would

as they want. "You get an idea of where the DNR's priorities are with that," he said. "There's one where we're litter about it."

Clark also noted that bluffs are now defined in the draft as being much steeper in many cases: a 50 percent grade. Those on the other side are equally bitter.

"There isn't anything (in the new rules) that anybody could say is right," said Roger Kruse of Anoka, co-founder of a group of largely north-shurban residents known as the Mississippi River Stewards.

Over the summer, the voices of the Stewards were raised, and raised again — becoming some of the most vociferous critics of the proposal. Kruse and co-founder Grady King, born hired lawyers, knocked on doors, put fliers on boat launches — and eventually built a mailing list of more than 1,000 people.

In September, they packed a work group meeting with hundreds of residents.

A number were concerned about private property rights; others felt it wasn't as big of a deal ... It was a mixed bag," said Jack Conkle, who represents Anoka County in the rulemaking process.

"I think there are more people (in Anoka) that own properties and live directly on the river than in the rest of the corridor," said John Vondel, Anoka County parks director. "When you start developing rules ... it gets pretty personal."

Both Kruse and Kinghorn live on the Mississippi.

offended them ... They see themselves as caretakers of the river; they pick up their trash and take care of their properties. It's kind of a slap in the face for them."

"Would I do it (the meeting) differently? Yes," Wooden said. "That has just created all kinds of distrust on motives for the whole rulemaking."

Anoka council member Weaver confirms that suspicion: "It's really not government by the people for the people. It's special interests for special needs."

But Clark said the fact that the river has been so developed in the northwest metro doesn't mean there's an interest in regulating it. In fact, he said, it means the opposite.

"It's a little ironic that the biggest concern is coming from this part of the river that really has been utterly privatized and changed so dramatically," Clark said. "I think many people would say it has the least scenic value, the least ecological functional value of any part of the river. There's less to protect there."

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MINNESOTA SWRIM

HOMER

OPENER

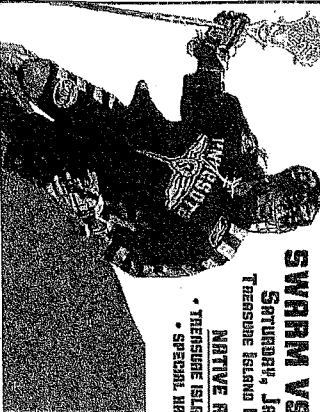
JANUARY 8TH @ 7:35PM

LEPROUSSE

SWRIM VS. KNIGHTHAWKS
SATURDAY, JANUARY 8TH @ 7:35PM
THRESHOLD ISLAND FIELD @ XCEL ENERGY CENTER

NATIVE AMERICAN HERITAGE NIGHT

- THRESHOLD ISLAND THUNDERBOLTS TO EARLY FANS
- SPECIAL HIGHLIGHTS EXHIBITION OF TRADITIONAL NATIVE AMERICAN LABOROUSSE GAMES



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TWO GROUPS AT ODDS

You wouldn't know it from their names, but the Mississippi River Stewards and the Friends of the Mississippi River have taken polar-opposite sides in the debate, with the Stewards alleging a sinister, reptilian alliance between the Friends and the DNR.

"The way that things were happening we thought was pretty underhanded," Kruse said. "The Friends of the Mississippi River have tainted the entire rulemaking process."

The Stewards note that the Friends were in charge of compiling input for a 2008 DNR study that was a precursor to last year's rulemaking mandate. It also points to significant funds paid by the DNR to the conservation group. It notes that Friends members sit on each of the four work groups advising the DNR — the only nongovernmental group to do so.

Rep. Hansen noted that many believe Friends actually wrote the language for the legislative rule authorizing the process — something he vehemently denies.

"The Friends wanted to go farther than (Senator) Sieben and I," Hansen said. "That bill is not what they wanted ... Some people were seeing something nefarious behind every word."

Wooden said the Friends of the Mississippi River are on every work group because the group is an expert on the river and a "respected organization

THE NEXT STEP

The notice for the new rules was not submitted to the state register by a Dec. 22 deadline, required before sending it to the Office of Administrative Hearings by Monday. The result: By Monday, the DNR's authority to create the new rules expires.

To extend it — and to make sure the yearlong process wasn't for nothing — the agency will have to go back to the Legislature to ask for more time.

With amped-up interest, many involved vow to pack Capitol hearing rooms in coming months.

"I think there will be dozens of people testifying this time."

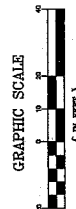
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Jackson Medical Equipment

845 L. ST. N. O. 717-255-1111

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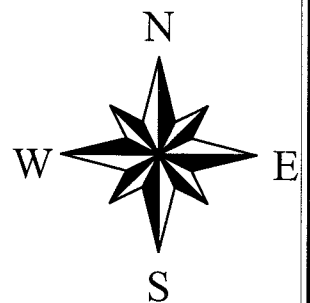
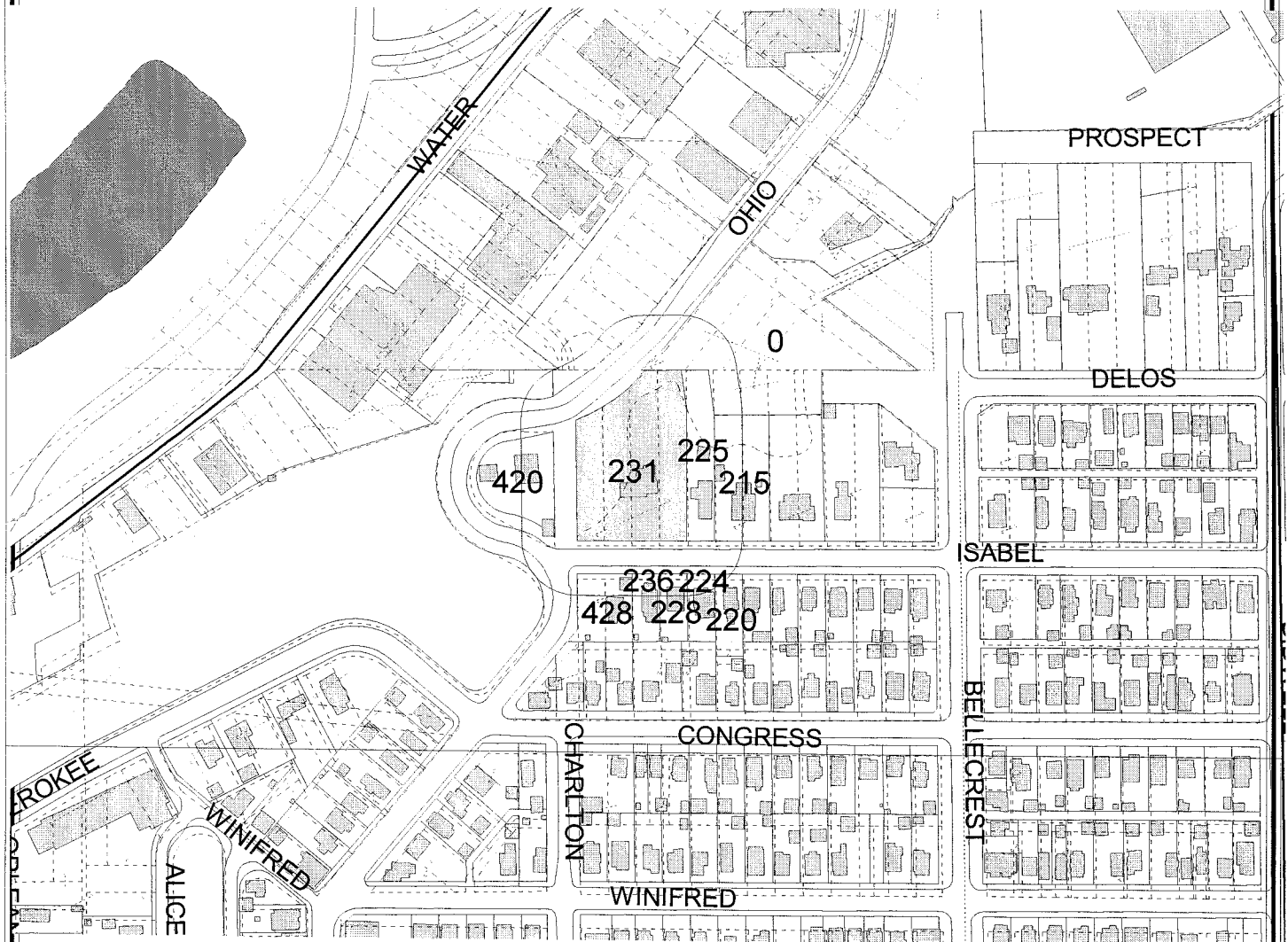
Drw. No. 080055



A. H. Tardieu
Director P.R. & P.S. No. 9235

FILE
11-007586

PROPERTY WITHIN 100 FEET OF PARCEL 231 ISABEL STREET WEST



CREATED BY: DSI